

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA
FOURTH DIVISION

IN RE:

BKY. NO. 02-84553

SALLY A NATYSIN,

Chapter 7

Adv. Proceeding No. 04-4201

Debtor.

DORRAINE A. LARISON,

Plaintiff/Trustee,

NOTICE OF MOTION AND MOTION
FOR DEFAULT JUDGMENT

vs.

SALLY A NATYSIN,

Defendant.

TO: THE COURT, UNITED STATES TRUSTEE, THE DEBTORS, AND HER ATTORNEY:

1. Dorraine A. Larison, Trustee of the bankruptcy estate of the above-named debtor moves the court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on Plaintiff's Motion for Default Judgment at 10:30 a.m. on September 29, 2004, in Courtroom No. 7 West, at the United States Courthouse, at 300 South Fourth Street, in Minneapolis, Minnesota.

3. Any response to this Motion must be filed and delivered not later than September 22, 2004, which is seven (7) days before the time set for the hearing, or filed and served by mail not later than September 17, 2004, which is ten (10) days before the time set for the hearing. **UNLESS A RESPONSE OPPOSING THE APPLICATION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. Dorraine A. Larison (the "Trustee"), submits this Motion pursuant to Rule 7055 of the Federal Rules of Bankruptcy Procedure, Rule 55(a) of the Federal Rules of Civil Procedure and Rule 7055-1 of the Local Rules.

5. The Trustee requests the entry of Default Judgment against Defendant, Sally A. Natysin.

6. This Motion is supported by the following Affidavits of the Trustee on the Defendant named above:

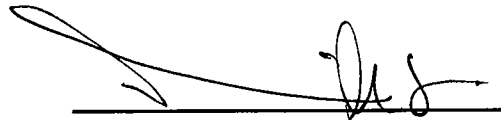
- a. Affidavit of No Answer,
- b. Affidavit of Identification and Non-Military Status, and
- c. Affidavit on the Merits and the Amount Due.

7. This Motion for Default Judgment against the identified Defendant is based on the Trustee's Complaint seeking to revoke the Defendant's discharge on the basis that the Defendant failed to obey a lawful order of the Court and that no answer to the Trustee's Complaint has been filed by the above-named Defendant.

WHEREFORE, the Trustee requests the Court enter Default Judgment against Defendant, Sally A. Natysin, and enter its Order as follows:

1. For entry of judgment revoking the discharge of the Defendant pursuant to Section 727 of the Bankruptcy Code.
2. For such other and further relief as the Court deems just and equitable.

Dated this 25th day of August, 2004.



Dorraine A. Larison

I.D. No. 203609

Gray, Plant, Mooty, Mooty & Bennett, P.A.

1010 West St. Germain

Suite 600

St. Cloud, MN 56301

(320) 252-4414

Attorneys for the Trustee

VERIFICATION. I, Dorraine A. Larison, the movant declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: August 25th, 2004



Dorraine A. Larison, Trustee

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA
FOURTH DIVISION

IN RE:

BKY. NO. 02-84553

SALLY A. NATYSIN,

Debtor.

Chapter 7
Adv. Proceeding No. 04-4201

DORRAINE A. LARISON,

Plaintiff/Trustee,

vs.

AFFIDAVITS OF NO ANSWER,
IDENTIFICATION AND NON-
MILITARY STATUS, AND ON
THE MERITS AND AMOUNT DUE

SALLY A. NATYSIN,

Defendant.

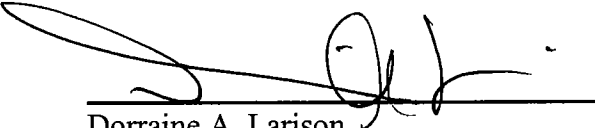
AFFIDAVIT OF NO ANSWER

STATE OF MINNESOTA)
) ss.
COUNTY OF STEARNS)

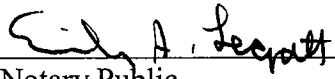
DORRAINE A. LARISON, being duly sworn, on oath states:

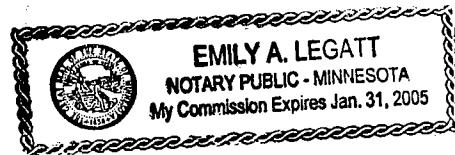
1. She is the Chapter 7 Trustee in the above-referenced bankruptcy case, and the attorney for the Plaintiff in this adversary proceeding.
2. The Summons and Complaint in this action were duly served on Sally A. Natysin, the Defendant, on July 21, 2004, by certified mail. A copy of the signed Return Receipt is attached hereto as Exhibit "1." The Summons served upon Defendant was issued by the Clerk of the Court on July 14, 2004.
3. The Summons and Complaint and the proof of service have been duly filed in the Office of the Clerk of Court.
4. The time allowed by law and specified in said Summons for Defendant to answer the Complaint has elapsed, no answer or other pleading has been received by or served upon the Plaintiff, and Defendant has not otherwise defended in this action and that, accordingly, the Defendant is in default.

5. Pursuant to Rule 7055-1 of the Local Rules of Bankruptcy Procedure, a copy of this Motion for Default Judgment has been served upon the Defendant in default and the proof of service has been duly filed in the office of the Clerk of the Court.


Dorraine A. Larison

Subscribed and sworn to before me
this 25th day of August, 2004.


Notary Public



AFFIDAVIT OF IDENTIFICATION AND NON-MILITARY STATUS

STATE OF MINNESOTA)
) ss.
COUNTY OF STEARNS)

DORRAINE A. LARISON, being duly sworn, on oath states:

1. She is the Chapter 7 Trustee in the above-referenced bankruptcy case, and the attorney for the Plaintiff in this adversary proceeding.
2. To the best of her knowledge and information, the full name and last known address of the Defendant in default is as follows:

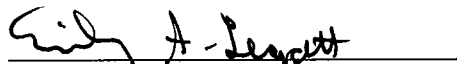
SALLY A. NATYSIN
PO BOX 76
GRASSTON MN 55030-0076

3. To the best of her knowledge and information, Defendant is an individual residing in the State of Minnesota.
4. To the best of her knowledge and information, Defendant is not now in the Military Service of the United States, and this Affidavit is made in compliance with the Soldiers' and Sailors' Civil Relief Act of 1940.



Dorraine A. Larison

Subscribed and sworn to before me
this 25th day of August, 2004.


Notary Public

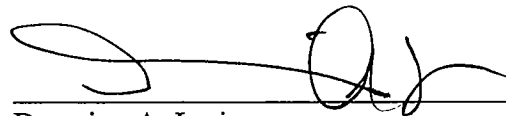
AFFIDAVIT ON THE MERITS AND OF THE AMOUNT DUE

STATE OF MINNESOTA)
) ss.
COUNTY OF STEARNS)

DORRAINE A. LARISON, being duly sworn, on oath states:

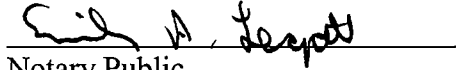
1. She is the Chapter 7 Trustee in the above-referenced bankruptcy case, and the attorney for the Plaintiff in this adversary proceeding.
2. During the administration of the bankruptcy case, the trustee requested that the debtor turn over the balance of deposit accounts on date of filing (value \$10.55); the security deposit (1/2 interest value \$250.00); various jewelry (value \$25.00); computer (value \$50.00); the trustee's share of debtor's 2002 property tax refund received by debtor on October 17, 2003 (value \$468.44); and copies of debtor's filed 2002 federal and state income tax returns (the "Property"). The requests made by the Trustee were as follows:
 - A. By stipulation dated January 16, 2003, the Debtor agreed that Trustee was entitled to 94% of her 2002 income tax refunds. She further agreed that if the refund was mailed directly to her, she would endorse the check and forward it directly to Trustee. A copy of this stipulation is attached hereto as Exhibit "2."
 - B. By letter dated January 17, 2003, to the debtor's attorney, Jeffrey Bursell, the Trustee requested that the debtor submit a check for the value of all non-exempt property. The letter also reminded Debtor that any tax refunds received must be turned over to the estate. A copy of this letter is attached hereto as Exhibit "3."
 - C. On February 11, 2003, the Trustee sent another copy of the January 17th letter to Defendant's attorney. A copy of this letter is attached hereto as Exhibit "4."

- D. By letter dated March 5, 2003, to the debtor's attorney, Jeffrey Bursell, the Trustee again requested payment for debtor's non-exempt property. A copy of this letter is attached hereto as Exhibit "5."
 - E. On October 17, 2003, Debtor was issued a property tax refund in the amount of \$498.34 by the Minnesota Department of Revenue.
 - E. On January 14, 2004, the Trustee served a Motion for turnover of Property on the Defendant and her attorney.
 - F. By letter dated February 16, 2004, to the Defendant's attorney, the Trustee supplied a copy of the February 3, 2004, Order for turnover and demanded the property. A copy of this letter is attached hereto as Exhibit "6."
- 3. The Defendant has failed to turn over the Property to the Trustee.
 - 4. By Order of Discharge dated March 18, 2003, the Debtor received a discharge.
 - 5. By Order dated February 3, 2004, the Debtor was ordered to turn over to the Trustee the sum of \$803.99 and copies of her filed 2002 federal and state income tax returns, or the property described in the order.
 - 6. The Debtor has failed to obey a lawful order of this Court by failing to turn over the property.
 - 7. By reason of the foregoing, the Court may vacate the Debtor's discharge pursuant to Section 727(d) of the Bankruptcy Code.
 - 8. The Trustee served on the Defendant by Certified Mail the Summons and Complaint on July 21, 2004.
 - 9. As of the date of this Motion for Default Judgment, the Plaintiff has received no Answer or other pleading from the Defendant. Pursuant to Rule 7012(a) of the Federal Rules of Bankruptcy Procedure, the Defendant was required to serve its Answer upon the Plaintiff within 30 days after the issuance of the Summons, unless a different time period is prescribed by the Court. Defendant's failure to answer within the time allowed entitles the Plaintiff to Default Judgment.
 - 10. Through this Motion for Default Judgment, the Plaintiff requests an Order of the Court entering Default Judgment against the Defendant and an award of the costs incurred by the Plaintiff through this adversary proceeding.



Dorraine A. Larison

Subscribed and sworn to before me
this 25th day of August, 2004.


Notary Public

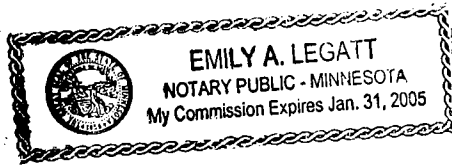


Exhibit "1"

DORRAINE A. LARISON
TRUSTEE IN BANKRUPTCY
1010 West St. Germain, Suite 600
St. Cloud, MN 56301
Telephone (320) 252-4414
Facsimile (320) 252-4482

July 14, 2004

UNITED STATES TRUSTEE
1015 US COURTHOUSE
300 SOUTH FOURTH STREET

ROBERT J HOGLUND
ATTORNEY AT LAW
PO BOX 130938
ROSEVILLE MN 55113

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

| | |
|---|---------|
| Postage | \$ 60 |
| Certified Fee | 2.30 |
| Return Receipt Fee (Endorsement Required) | 1.75 |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$ 4.65 |

Sent To Sally A. Natysin
Street, Apt. No.,
or PO Box No. PO Box 76
City, State, ZIP+4 Grasston, MN 55030-0076

PS Form 3800, June 2002 See Reverse for Instructions

Sincerely,

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Sally A. Natysin
PO Box 76
Grasston, MN 55030-0076

2. Article Number

(Transfer from service label)

PS Form 3811, August 2001

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature Sally Natysin ☐ Agent ☒ Addressee
B. Received by (Printed Name) Sally Natysin C. Date of Delivery 7-22-04
D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

| | |
|---|---------|
| Postage | \$ 60 |
| Certified Fee | 2.30 |
| Return Receipt Fee (Endorsement Required) | 1.75 |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$ 4.65 |

Sent To Sally A. Natysin
Street, Apt. No.,
or PO Box No. 105 Cypress Street
City, State, ZIP+4 Cambridge, MN 55008

PS Form 3800, June 2002 See Reverse for Instructions

Exhibit "2"

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Chapter 7
Bky. Case No. 02-84553

Sally A. Natysin,

STIPULATION

Debtor.

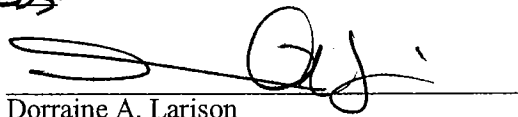
The above-entitled matter having been compromised and settled between the parties:

IT IS HEREBY STIPULATED AND AGREED:

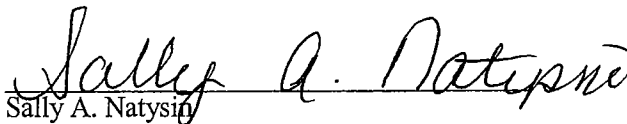
1. That the debtor filed her Bankruptcy Petition on December 9, 2002.
2. That Dorraine A. Larison, Trustee, is entitled to 94% of the debtor's 2002 income tax refunds and Minnesota Property Tax Refund. The debtor is entitled to 6% of the 2002 income tax refunds and Minnesota Property Tax Refund.

IT IS FURTHER STIPULATED AND AGREED that the trustee shall receive from the Internal Revenue Service and the Minnesota Department of Revenue the debtor's 2002 income tax refunds. The Trustee shall also receive from the State of Minnesota, the debtor's Property Tax Refund. Upon the trustee's receipt of these refunds, the trustee will disburse 6% of the refunds to the debtor. If the tax refund is mailed directly to the debtor, the debtor will endorse and forward the refund check directly to Dorraine A. Larison, Trustee.

Dated this 16th day of January, 2003.


Dorraine A. Larison
Trustee in Bankruptcy
I.D. No. 203609
GRAY, PLANT, MOOTY,
MOOTY & BENNETT, P.A.
1010 West St. Germain
Suite 600
St. Cloud, MN 56301
(320) 252-4414

Dated this 16th day of January, 2003.


Sally A. Natysin

Debtor SSN: 473-96-1690

Exhibit "3"

DORRAINE A. LARISON
TRUSTEE IN BANKRUPTCY
1010 West St. Germain, Suite 600
St. Cloud, MN 56301
Telephone (320) 252-4414
Facsimile (320) 252-4482

January 17, 2003

JEFFREY BURSELL
ATTORNEY AT LAW
PO BOX 130938
ROSEVILLE MN 55113

RE: Sally A. Natysin
Bky. Case No. 02-84553

Dear Mr. Bursell:

My review of this file following the meeting of creditors held on January 16, 2003, indicates that the debtor has the following non-exempt property:

| | | |
|----|--------------------------------|----------------|
| 1. | 2002 Federal Income Tax Refund | Amount Unknown |
| 2. | 2002 State Income Tax Refund | Amount Unknown |
| 3. | 2002 Property Tax Refund | Amount Unknown |
| 4. | 1 - Checking Account Balance | Amount Unknown |
| 5. | 1 - Savings Account Balance | Amount Unknown |
| 6. | Computer/Printer/Monitor | \$50 |
| 7. | Jewelry | \$25 |
| 8. | Deposit on Mobile Home Lot | \$500 |
| 9. | Personal Injury Actions | Amount Unknown |

Please have the debtor submit a check made payable to Dorraine A. Larison, Trustee, for the items with a known value. In addition, please have the debtor note the bankruptcy number on the check.

I have requested that the debtor provide me with a statement showing the amount of funds in her checking and savings accounts on the date of filing. Please have the debtor include this amount in the check made payable to me.

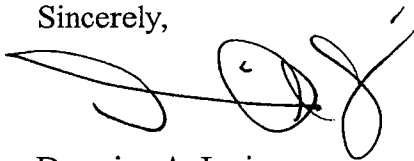
As you know, the debtor has executed a Stipulation relating to the tax refunds and rebates. I will file the Stipulation with the appropriate taxing authorities. Please remind the debtor to provide me with copies of her 2002 tax returns, **including her property tax return**, as soon as they are filed. I would also request that the debtor provide me with copies of their 2001 tax returns. In addition, please remind the debtor that she must forward any refunds she may receive directly to me.

Please have the debtor provide me with the complete name, address and telephone number for the attorney handling her personal injury actions. In addition, please have the debtor notify the personal injury attorney that I will be requesting information relating to the claims.

I note that the debtor has indicated that she has only a one-half interest in the deposit on the mobile home lot. Please provide me with the basis for the claim that the debtor has only a one-half interest. In addition, please provide me with the name and address of the mobile home park so that I may seek the return of the deposit. Finally, please provide a copy of the deposit documentation.

Should you have any questions regarding this matter, please feel free to contact me or my assistant, Nancy Lyke-Hilla.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dorraine A. Larison', with a stylized flourish at the end.

Dorraine A. Larison
Trustee in Bankruptcy

Exhibit "4"

DORRAINE A. LARISON
TRUSTEE IN BANKRUPTCY
1010 West St. Germain, Suite 600
St. Cloud, MN 56301
Telephone (320) 252-4414
Facsimile (320) 252-4482

January 17, 2003

JEFFREY BURSELL
ATTORNEY AT LAW
PO BOX 130938
ROSEVILLE MN 55113

**THIS IS A
FOLLOW-UP**
ACCORDING TO OUR FILES, WE
HAVE NOT RECEIVED A REPLY
TO THIS LETTER, YOUR
EARLY ATTENTION TO THIS
MATTER WILL BE APPRECIATED
February 11, 2003

RE: Sally A. Natysin
Bky. Case No. 02-84553

Dear Mr. Bursell:

My review of this file following the meeting of creditors held on January 16, 2003, indicates that the debtor has the following non-exempt property:

| | | |
|----|--------------------------------|----------------|
| 1. | 2002 Federal Income Tax Refund | Amount Unknown |
| 2. | 2002 State Income Tax Refund | Amount Unknown |
| 3. | 2002 Property Tax Refund | Amount Unknown |
| 4. | 1 - Checking Account Balance | Amount Unknown |
| 5. | 1 - Savings Account Balance | Amount Unknown |
| 6. | Computer/Printer/Monitor | \$50 |
| 7. | Jewelry | \$25 |
| 8. | Deposit on Mobile Home Lot | \$500 |
| 9. | Personal Injury Actions | Amount Unknown |

Please have the debtor submit a check made payable to Dorraine A. Larison, Trustee, for the items with a known value. In addition, please have the debtor note the bankruptcy number on the check.

I have requested that the debtor provide me with a statement showing the amount of funds in her checking and savings accounts on the date of filing. Please have the debtor include this amount in the check made payable to me.

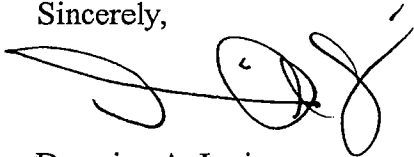
As you know, the debtor has executed a Stipulation relating to the tax refunds and rebates. I will file the Stipulation with the appropriate taxing authorities. Please remind the debtor to provide me with copies of her 2002 tax returns, **including her property tax return**, as soon as they are filed. I would also request that the debtor provide me with copies of their 2001 tax returns. In addition, please remind the debtor that she must forward any refunds she may receive directly to me.

Please have the debtor provide me with the complete name, address and telephone number for the attorney handling her personal injury actions. In addition, please have the debtor notify the personal injury attorney that I will be requesting information relating to the claims.

I note that the debtor has indicated that she has only a one-half interest in the deposit on the mobile home lot. Please provide me with the basis for the claim that the debtor has only a one-half interest. In addition, please provide me with the name and address of the mobile home park so that I may seek the return of the deposit. Finally, please provide a copy of the deposit documentation.

Should you have any questions regarding this matter, please feel free to contact me or my assistant, Nancy Lyke-Hilla.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dorraine A. Larison', with a stylized flourish at the end.

Dorraine A. Larison
Trustee in Bankruptcy

Exhibit "5"

DORRAINE A. LARISON
TRUSTEE IN BANKRUPTCY
1010 West St. Germain, Suite 600
St. Cloud, MN 56301
Telephone (320) 252-4414
Facsimile (320) 252-4482

March 5, 2003

JEFFREY BURSELL
ATTORNEY AT LAW
PO BOX 130938
ROSEVILLE MN 55113

RE: Sally A. Natysin
Bky. Case No. 02-84553

Dear Mr. Bursell:

I have reviewed the information you provided in your letter dated February 15, 2003. Based on that review it appears that the debtor owes the estate for the following non-exempt items, not including any tax refunds:

| | | |
|----|--------------------------|-----------------|
| 1. | Checking Account Balance | \$ 5.38 |
| 2. | Savings Account Balance | \$ 5.17 |
| 3. | ½ of Deposit | \$250.00 |
| 4. | Computer | \$ 50.00 |
| 5. | Jewelry | <u>\$ 25.00</u> |

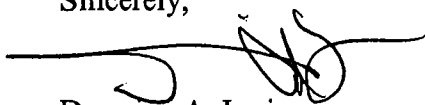
| | |
|-------|----------|
| TOTAL | \$325.55 |
|-------|----------|

The debtor has offered to pay \$25 a month for these assets. That is not acceptable because the time period would be in excess of one year. I will agree to accept payments of \$50 a month beginning on March 15, 2003.

I have not yet received copies of the debtors 2001 tax returns or her 2002 tax returns. Please provide these as soon as possible.

Should you have any questions regarding this matter, please feel free to contact me or my paralegal, Nancy Lyke-Hilla.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dorraine A. Larison', written over a horizontal line.

Dorraine A. Larison
Trustee in Bankruptcy

GP:1433676 v1

Exhibit "6"

DORRAINE A. LARISON
TRUSTEE IN BANKRUPTCY
1010 West St. Germain, Suite 600
St. Cloud, MN 56301
Telephone (320) 252-4414
Facsimile (320) 252-4482

February 16, 2004

ROBERT J HOGLUND
ATTORNEY AT LAW
PO BOX 130938
ROSEVILLE MN 55113

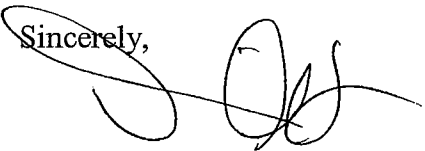
RE: Sally A. Natysin
Bky. Case No. 02-84553

Dear Mr. Hoglund:

Please find enclosed a copy of Judge Dreher's Order dated February 3, 2004, in regard to my motion for turnover. Please note that the debtor has 30 days to comply with the Order.

Should you have any questions regarding this matter, please feel free to contact me or my paralegal, Nancy Lyke-Hilla.

Sincerely,



Dorraine A. Larison
Trustee in Bankruptcy

DAL/nlh

Enclosure

GP:1551910 v1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

In Re:

Sally A. Natysin,

Debtor.

Chapter 7

Bky. Case No. 02-84553

Adv. Pro. No. 04-4201

UNSWORN CERTIFICATE OF SERVICE

I, Emily Legatt, declare under penalty of perjury that on August 25, 2004, I mailed the following documents:

**MOTION FOR DEFAULT JUDGMENT
AFFIDAVIT OF NO ANSWER
AFFIDAVIT OF IDENTIFICATION AND NON-MILITARY STATUS
AFFIDAVIT ON THE MERITS AND OF THE AMOUNT DUE
PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER FOR
JUDGMENT**

by first class mail postage prepaid to each entity named below at the address stated below for each entity:

UNITED STATES TRUSTEE
1015 US COURTHOUSE
300 SOUTH FOURTH STREET
MINNEAPOLIS MN 55415

ROBERT J HOGLUND
ATTORNEY AT LAW
PO BOX 130938
ROSEVILLE MN 55113

SALLY A NATYSIN
PO BOX 76
GRASSTON MN 55030-0076

Executed on: August 25, 2004

/e/ Emily Legatt
Emily Legatt
GRAY, PLANT, MOOTY,
MOOTY & BENNETT, P.A.
Suite 600
1010 West St. Germain Street
St. Cloud, MN 56301

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

IN RE:

BKY. NO. 02-84553

SALLY A. NATYSIN,

Chapter 7

Debtor.

Adv. Proceeding No. 04-4201

DORRAINE A. LARISON,

Plaintiff/Trustee,

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
ORDER FOR JUDGMENT

vs.

SALLY A. NATYSIN,

Defendant.

At Minneapolis, Minnesota, _____, 2004.

This matter came before the Honorable Nancy C. Dreher upon the Motion of the Plaintiff, Dorraine A. Larison, Trustee, for Default Judgment pursuant to Bankruptcy Rule 7055 and Local Rule 7055-1. This court has jurisdiction pursuant to 28 U.S.C. §§ 157 and 1334 and Local Rule 1070-1. This is a core proceeding under 28 U.S.C. § 157(b)(2)(F). Based on memoranda and affidavits of counsel and the file of this case:

FINDINGS OF FACT

The Summons and Complaint were duly served on Defendant. Defendant has failed to answer or otherwise respond to Plaintiff's Summons and Complaint or Plaintiff's Motion for Default Judgment within the time allowed by the applicable rules, or otherwise.

Defendant was required, by order dated February 3, 2004, to turn over \$803.99 and copies of her filed 2002 federal and state income tax returns, or the property described in the order, to the

Trustee. Defendant failed to turn over the \$803.99 and copies of her filed 2002 federal and state income tax returns, or the property described in the order.

CONCLUSIONS OF LAW

Section 727(a)(6)(A) provides that:

(a) The court shall grant the debtor a discharge, unless—

* * *

(6) the debtor has refused, in the case—

* * *

(A) to obey any lawful order of the court, other than an order to respond to a material question or to testify;

11 U.S.C. § 727(a)(6)(A)

“Refusal of the debtor to comply with a turnover order by the court may be a basis for an objection to discharge . . . , unless the order is void (not merely erroneous) for want of power in the court, or an appeal is promptly taken.” Clark v. Reed (In re Reed), 293 B.R. 65, 71 (Bankr. D. Kan. 2003)(*quoting* 6 COLLIER ON BANKRUPTCY ¶ 727.09[1] at 727-51 (Alan N. Resnick, et al. eds., 15th ed. rev. 2003)). Defendant’s refusal to turn over \$803.99 and copies of her filed 2002 federal and state income tax returns, or the property described in the order, to Trustee pursuant to this court’s February 3, 2004, order constitutes grounds for revocation of discharge pursuant to 11 U.S.C. § 727(a)(6)(A).

ORDER FOR JUDGMENT

The Defendant's discharge is hereby revoked pursuant to Section 727 of the Bankruptcy Code.

Nancy C. Dreher
UNITED STATES BANKRUPTCY JUDGE